

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JERRY E. MOORE, II,

Plaintiff,

v.

DWAYNE D. PIELECH, et al.,

Defendants.

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Case No. 2:10-cv-00453

JUDGE ALGENON L. MARBLEY

Order

This matter is before the Court on Defendant American Federal of State, County and Municipal Employees's Motion to Dismiss (Dkt. 3). American Federal of State, County and Municipal Employees ("AFSCME International") moves for dismissal pursuant to Fed. Civ. R. 12(b)(6) on the basis that Plaintiff Jerry Moore's Complaint fails to state a claim against Defendant AFSCME International upon which relief can be granted. Plaintiff is employed as a Case Manager with the Belmont JFS in Belmont County. In his Complaint, he states that he was represented by AFSCME International as an employee of the County. AFSCME International states that it has never been the exclusive certified representative of the bargaining unit of employees working for the Belmont JFS and thus it is not a correct defendant in the instant matter. Plaintiff does not oppose dismissal of AFSCME International at this time. Accordingly, the Court **GRANTS** AFSCME International's motion to dismiss, without prejudice.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

Dated: December 7, 2010